

STATE OF MICHIGAN
COURT OF APPEALS

LYDIA ARGUMENDO,

Plaintiff-Appellant,

and

DAVID ARGUMENDO,

Plaintiff,

v

THOMAS ALAN COSSOU,

Defendant-Appellee.

UNPUBLISHED

March 11, 2003

No. 238465

Saginaw Circuit Court

LC No. 00-035996

Before: Kelly, P.J., and White and Hoekstra, JJ

KELLY, P.J. (*dissenting*)

I respectfully dissent. Although plaintiff's hand injury was objectively manifested, it did not constitute a serious impairment of an important body function and did not significantly affect plaintiff's ability to lead her normal life.

Plaintiff testified that because of her injuries she could no longer lift or grip heavy objects and is limited in household chores. She has no physician imposed restrictions on any activity and the evidence presented to the trial court indicated that no further medical treatment would be required.

The trial court properly found that plaintiff failed to present evidence showing that the injury impeded her ability to engage in her normal life activities. The fracture had healed and no restrictions were placed on her activities. Any limitations on her household activities were self-imposed. These self-imposed restrictions are insufficient to show a serious impairment of body function. *Franz v Woods*, 145 Mich App 169, 177; 377 NW2d 373 (1985). Unlike the plaintiff in *Kreiner v Fischer*, 251 Mich App 513; 651 NW2d 433 (2002), plaintiff's injuries did not affect a significant part of her normal life. The trial court did not err in granting summary disposition under MCR 2.116(C)(10). *Maiden v Rozwood*, 461 Mich App 109; 597 NW2d 817 (1999). Accordingly, I would affirm.

/s/ Kirsten Frank Kelly